

FILED IN OPEN COURT
ON 6-18-09
Dennis P. Iavarone, Clerk
US District Court
Eastern District of NC

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:09cr176-1 FL(2)

UNITED STATES OF AMERICA

V.

CHRISTOPHER SMITH

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INDICTMENT

The Grand Jury charges that:

From on or about January 30, 2009, in the Eastern District of North Carolina, the defendant, CHRISTOPHER SMITH, did knowingly and intentionally possess with the intent to distribute five (5) grams or more of cocaine base (crack), a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841 (a)(1).

ALLEGATIONS OF PRIOR CONVICTIONS

For purposes of Title 21, United States Code, Section 841 (b) and 851, CHRISTOPHER SMITH, the defendant herein, committed the violations alleged in Counts One and Two after one prior conviction for a felony drug offense, as defined in Title 21, United States Code, Section 802 (44), had become final.

FORFEITURE NOTICE

The defendants are given notice of the provision of Title 21, United States Code, Section 853 that the defendants' interest in all property specified herein is subject to forfeiture.

As a result of the foregoing offense in the Indictment, the defendants shall forfeit to the United States any and all property constituting, or derived from, any proceeds the said defendants obtained directly or indirectly as a result of the said offense and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the offenses alleged in the Indictment and any property, real or personal, involved in such offense, or any property traceable to such property. If any of the above described forfeitable property, as a result of any act or omission of the defendants,

- (1) cannot be located upon exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third person;
- (3) has been placed beyond the jurisdiction of the court;
- (4) has been substantially diminished in value; or
- (5) has been commingled with other property which cannot be subdivided without difficulty,

it is the intent of the United States, pursuant to Title 21, United States Code, section 853(p), to seek forfeiture of any other property of said defendant(s) up to the value of the above forfeitable property. The defendants are further advised that pursuant to Title 18, United States Code, Section 924(d) (as made applicable herein by virtue of Title 28, United States Code, Section 2641(c)), all firearms are subject to forfeiture.


A TRUE BILL



FOREPERSON

Date: 6-18-09

GEORGE E. B. HOLDING
United States Attorney

 For Rebecca Holt
REBECCA W. HOLT
Special Assistant United States Attorney
Criminal Division